



REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

We, Tracy E. Grim, Kevin Richard O'Donnell and Eric Gerard Montag, hereby declare that:

1. We believe we are the original, first and joint inventors of the subject matter that is described and claimed in U.S. Patent 5,761,834, granted on June 9, 1998, and for which we solicit a reissue patent on the invention entitled FOOTGEAR WITH PRESSURE RELIEF ZONES, the specification of which is attached hereto.

2. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

3. We acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

4. We believe the original patent to be partly inoperative or invalid by reason of the patentees claiming more or less than the patentees had the right to claim in the patent.

5. Examples of errors which are relied on to support this reissue application are:

(a) There is no claim in the patent claiming: Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising an outer sole; an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot; means for independently modifying support of the foot provided at each section location; said resilient sections being directly adjacent one another to form said grid; and said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area; wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot. Similarly, there is no claim in the patent claiming the foregoing, in which the footgear is a shoe, or a shoe that further comprises a heel portion that extends only partially up the heel of the user.

(b) There is no claim in the patent claiming: Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user, comprising: an outer sole; an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of removable sections that are removable mounted in said footgear and that are arranged in a grid pattern said removable sections having lower surfaces which are removable secured within said footgear and said sections together forming a substantially smooth surface for engagement by the foot said sections being individually removable from said footgear to provide localized relief to selected areas of the foot; said resilient sections being directly adjacent to one another to form said grid, with substantially no space in between said sections except when at

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least one of said sections has been removed; and said grid of resilient sections comprising substantially all of said inner sole and extending substantially over the entire sole area; wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot.

(c) There is no claim in the patent claiming: A pad for footwear comprising: an underlying flexible sheet and an upper resilient inner sole member extending over and being removably secured to said underlying flexible sheet, said upper resilient inner sole member having a substantially uniform thickness and extending substantially over the entire sole area; said upper resilient inner sole portion being composed of a plurality of resilient sections, said sections being removably secured on their lower surfaces to said underlying flexible sheet and said sections together forming a substantially smooth surface for engagement by the foot, said sections being individually removable to provide localized pressure relief to selected areas of the foot; and wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot; whereby a relief zone corresponding to an afflicted zone of a foot is provided when one or more of said sections is removed.

(d) Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising: an outer sole; an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot; means for independently modifying support of the foot provided at each section location; said resilient sections being directly adjacent one another to form said grid; and said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area; wherein said resilient sections comprise a material that resists compression-set.

6. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicants.

7. We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

Number	Country	Filing Date	Priority Claimed?

8. I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
08/017,818	Feb. 16, 1993	Issued

9. We hereby appoint the following patent attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

G. P. Smith, Reg. 20,142	M. E. Brown, Reg. 28,590	R. O. Guillot, Reg. 28,852
H. D. Jastram, Reg. 19,777	S. R. Hansen, Reg. 38,486	E. C. Chang, Reg. 37,593
C. A. S. Hamrick, Reg. 22,586	D. N. Larson, Reg. 29,401	M. Imam, Reg. 38,190
A. C. Rose, Reg. 17,047	J. W. Inskeep, Reg. 33,910	C. J. Lervick, Reg. 35,244
L. J. Bovasso, Reg. 24,075	J. Boyce, Reg. 40,920	C. Rosenberg, Reg. 31,464
C. Darrow, Reg. 30,166	K. A. MacLean, Reg. 31,118	M. D. Harris, Reg. 26,690
C.W. Chou, Reg. 41672	M. K. Bosworth, Reg. 28,186	L. C. Cullman, Reg. 39,645
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C. Klingbeil, Reg. 33,002	B. Canter, Reg. 34,740	S.M. Parker, Reg. 36233
G.B. Wood, Reg. 28,133	M. M. Heyninck, Reg. P44,763	C. Berman, Reg. 29249

Please direct all communications relative to this reissue application to:

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

_____, 2001

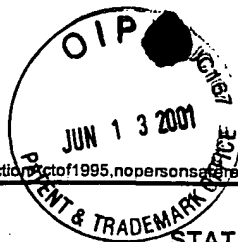
Tracy E. Grim: Citizen of US
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Eric Gerard Montag: Citizen of US
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PTO/SB/98(08-00)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Royce Medical Company
Application No./Patent No.: 5,761,834 Filed/Issue Date: June 9, 1998
Entitled: FOOTGEAR WITH PRESSURE RELIEF ZONES
Royce Medical Company, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

state that it is:

1. ☒ Assignee of the entire right, title, and interest; or
2. ☐ Assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 6448, Frame 417, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date

Typed or printed name

Signature

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) 480032-307	
This is part of the application for a reissue patent based on the original patent identified below.			
Name of Patentee(s) Tracy E. Grim, Kevin R. O'Donnell, Eric G. Montag			
Patent Number 5,761,834		Date Patent Issued June 9, 1998	
Title of Invention FOOTGEAR WITH PRESSURE RELIEF ZONES			
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>			
The assignee(s) owning an undivided interest in said original patent is/are <u>Royce Medical Company</u> , and the assignee(s) consents to the accompanying application for reissue.			
Name of assignee/inventor (if not assigned)			
Signature		Date	
Typed or printed name and title of persons signing for assignee (if assigned)			

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